

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

ROSE HOSPITALITY, LLC,
Defendant.

Case No. [21-cv-00047-TSH](#)

ORDER TO SHOW CAUSE

On May 5, 2021, Plaintiff filed a notice of settlement, after which the Court vacated all pending deadlines and directed the parties to file a dismissal or joint status report by July 06, 2021. ECF Nos. 11, 12. On July 6 Plaintiff filed a separate status report indicating that, although the parties have finalized and fully executed a settlement agreement, Defendant has failed to perform per the contract or respond to Plaintiff's attempts to elicit performance. ECF No. 13. Accordingly, the Court **ORDERS** Defendant Rose Hospitality to show cause why default should not be entered against it. Defendant shall file a declaration by July 19, 2021. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on July 29, 2021 at 10:00 a.m. by Zoom video conference. The webinar link and instructions are located at <https://cand.uscourts.gov/judges/hixson-thomas-s-tsh/>. Notice is hereby provided that failure to file a written response will be deemed an admission that Defendant does not intend to defend against this action, and default shall be entered accordingly. Thus, it is imperative the Court receive a written response by the deadline above.

IT IS SO ORDERED.

Dated: July 7, 2021


THOMAS S. HIXSON
United States Magistrate Judge